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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,098	01/29/2002	Takao Sawabe	041465-5064-01	1006
9629 7	590 04/21/2004		EXAMINER	
MORGAN LEWIS & BOCKIUS LLP			YOUNG, WAYNE R	
1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			ART UNIT	PAPER NUMBER
	, 20 2001		2652	10
			DATE MAILED: 04/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	10/058,098	SAWABE ET AL.
, maricoly rioden	Examiner	Art Unit
•	W. R. Young	2652
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence address
THE REPLY FILED 02 April 2004 FAILS TO PLACE THE Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this applica) a timely filed amendment whicl	ation. A proper reply to a n places the application in
PERIOD FOR RE	EPLY [check either a) or b)]	
a) The period for reply expires 4 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF TH	g date of the final rejection. HE FINAL REJECTION. See MPEP
Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Official timely filed, may reduce any earned patent term adjustment. See 37 C	of extension and the corresponding amo the shortened statutory period for reply ce later than three months after the mail	unt of the fee. The appropriate extension originally set in the final Office action; or
 A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR 	·	
2. The proposed amendment(s) will not be entered be	ecause:	
(a) they raise new issues that would require further	er consideration and/or search (s	see NOTE below);
(b) they raise the issue of new matter (see Note b	pelow);	
(c) they are not deemed to place the application in issues for appeal; and/or	n better form for appeal by mate	rially reducing or simplifying the
(d) they present additional claims without canceli	ng a corresponding number of fi	nally rejected claims.
NOTE:		
3. Applicant's reply has overcome the following reject	tion(s):	
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed amendment
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See	reconsideration has been consi e Continuation Sheet.	dered but does NOT place the
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY t	o issues which were newly
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we		
The status of the claim(s) is (or will be) as follows:		
Claim(s) allowed:		
Claim(s) objected to:		
Claim(s) rejected:		
Claim(s) withdrawn from consideration:		
8. The drawing correction filed on is a) applied applied on is a)	roved or b) disapproved by the	ne Examiner.
9. Note the attached Information Disclosure Statemer	nt(s)(PTO-1449) Paper No(s).	<i>'</i>
10. Other:		WWY
		W. R. Young Primary Examiner Art Unit: 2652

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) 1.

Continuation of 5. does NOT place the application in condition for allowance because: re the Restriction traversal, applicant argues that the claimed Groups are not in fact subcombinations disclosed as useable together as required by the MPEP. However, assuming arguendo that the Groups are not disclosed as useable together, then they must ipso facto be unrelated inventions. Applicant may then substitute the following paragraph as the explanation in the Restriction requirement of how the invention Groups are related and why they are patentably distinct:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions are admitted by applicant to not be disclosed as useable together and the recording methods of the Groups are responsive to the patentably distinct use of input designation information and readout identification control information, respectively, thereby operating in different modes that result in different functions and effects.

As to demonstrating a serious burden, note the different classification for each Group and MPEP 803.

As to Endoh lacking "same in content", note that this limitation is interpreted as meaning that the same song or performance is stored. As admitted by applicant, Endoh stores the same song using different formats. This meets the claimed storing of audio information different in recording method and same in content.